



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jan Lewandowski et al.

Serial No.: 10/729,199

Filed: December 5, 2003

Title: ULTRASONIC DETECTION OF EAR DISORDERS

Docket No.: 34968US2

PETITION UNDER 37 CFR § 1.47(a)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in regard to the above patent application, for which an assignment by one of the two named inventors was not provided.

Applicants hereby petition the Commissioner to accept the accompanying Declaration and Power of Attorney forms executed by one of the two joint inventors, Jan Lewandowski, on behalf of himself and on behalf of the second joint inventor, Robert A. Bessler, M.D.

The Declaration of Ronald M. Kachmarik, attached hereto as Exhibit A, provides proof of the pertinent facts concerning the refusal of Dr. Bessler to join in the present application for patent.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Ronald M. Kachmarik

Name of Agent for Applicant

March 5, 2004

Date

Signature of Agent

03/11/2004 EFLORES 00000003 10729199

01 FC:1460
02 FC:2051

130.00 OP
65.00 OP

The name and address of the inventor refusing to join in this application are as follows:

Robert A. Bessler, M.D.
6203 Hawthorne Terrace
Browns Point, WA 98422

Dr. Bessler was a joint inventor of the subject matter of the above-identified application while working as an independent contractor for BIOMEC Inc. The consulting agreement between Dr. Bessler and BIOMEC Inc., attached hereto as exhibit B, under which this work was performed, has since ended, and Dr. Bessler has refused to sign a Declaration with regard to the application.

Enclosed is a check for \$195 to cover the \$65 late-declaration surcharge and the \$130 petition fee under Rules 1.47(a) and 1.17(h).

If there are any other fees required by this communication, please charge any such fees to our Deposit Account No. 16-1820, Order No. 34968US2.

Respectfully submitted,
PEARNE & GORDON LLP

By: 
Ronald M. Kachmarik, Reg. No. 34512

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Date: March 5, 2004